REMARKS

This responds to the Office Action mailed on August 6, 2007.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1, 41-13, 15-27, and 29-37 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 4, 10, 13-22 and 25-31 were rejected under 35 U.S.C. § 102(b) for anticipation by Fiore et al. (WO 02/082275 A1). The Applicant respectfully traverses this rejection.

The claims recite that a server is configured to "compare the time stamp of the data annotation to an image count when searching for the segment of the images." The Final Office Action contends that this limitation is disclosed in Fiore et al. in ¶¶ 54, 57 and in claim 9. The Applicant respectfully disagrees.

Paragraph 54 of Fiore relates only to time stamping data frames and storing the data frames with the time stamp. Paragraph 57 relates to using the stored timestamps in connection with event position indicators. Claim 9 simply relates timestamps to a time of an event in an event database. The Applicant respectfully submits that there is no disclosure of comparing a timestamp to an image count.

Beginning on page 7, the Final Office Action continues to contend that "Fiore reasonably suggests comparing a timestamp of information associated with the occurrence of an external event (see paragraph [0054]), i.e. a data annotation, to an image count of a video segment, i.e. time stamps of consecutive data frames (see claim 9)." As pointed out above, paragraph 54 relates only to timestamping data frames. For the sake of argument, claim 9 could be read to require a comparison. However, claim 9 as written requires any such comparison to be between data frames with timestamps and the time of an event from the event database. There is no disclosure of a comparison between a timestamp of a data annotation and an image count.

The Final Office Action then goes on to argue that its position is supported by the Applicant's specification. Specifically, the Final Office Action argues that the claimed "image count" may be reasonably interpreted as a sequential time stamp for each video frame. To support this contention, the Final Office contends that the Applicant's specification discloses that

an image count can have the same format as a time stamp. The Final Office Action further argues that the Applicant's specification suggests that a timestamp corresponding to a data tag may be reasonably interpreted as a video count for the data tag. The Applicant respectfully disagrees.

The fact that the timestamp of the data tag may have the same format as the video count does not mean that the timestamp of the data tag and the video count are one and the same. First and foremost, the one represents a time, and the other a simple count.

Second, a time and a count are not interchangeable, especially in the field of video sensing and detection. For example, if two cameras are monitoring the same area, and one camera operates at X frames per second, and the other operates at Y frames per second (wherein $X <> Y$), then a frame from each of the two cameras corresponding to the same real time will have the same timestamp, but because of the different frame rates, the image counts for these two frames will be different. This is particularly the case when different types of sensing devices are used in a system, such as video cameras, thermal imagers, and IR cameras.[1] Therefore, as this example illustrates, contrary to the contentions in the Final Office Action, the timestamp and video count simply cannot be equated.

Third, the mere fact that two variables have the same format does not mean that the two variables represent the same entity. For example, if one variable represents a number of apples, and another variable represents a number of oranges, then the fact that these two variables may be in the same format does not make apples equal to oranges. Moreover, if the number of apples is represented by a decimal number, and the number of oranges is represented by a hexadecimal number, converting the hexadecimal number of oranges into the same format as the decimal number of apples does not magically change oranges into apples. Similarly, the fact that a timestamp and an image count may be in the same format does not make a timestamp and an image count one and the same.

The Final Office Action cites page 9, lines 9-11 of the Applicant's specification for its contention that the Applicant's specification suggests that a timestamp corresponding to a data tag may reasonably be interpreted as a video count for the data tag. The Applicant once again respectfully disagrees. This portion of the Applicant's specification states that a "display thus

[1] Applicant's Specification, page 4, lines 21-24.

includes the formatted returned row(s) and the video count that corresponds to the data tag and that designates the annotated video segment." The Applicant respectfully submits that the fact that a row of video frames may include a video count and a data tag that designates the annotated video segment does not mean, for at least the several reasons given in the previous paragraphs, that a video count and a data tag are one and the same.

Consequently, the Applicant respectfully submits that for at least all the foregoing reasons, the Applicant's specification indeed does not support the positioned outlined in the Final Office Action.

The Final Office Action concludes on page 8 by arguing that if the Applicant contends that the definition of image count excludes that proposed by the Examiner, then an issue of lack of enablement may be raised because, as put forth in the Final Office Action at least, the Applicant's specification does not reasonably enable a skilled artisan to compare a "time stamp" and an "image count" that are not in the same format. The Applicant respectfully disagrees.

First, the Applicant intends for the terms "timestamp" and "image count" to have their ordinary and customary meaning to those of skill in the art. The Applicant respectfully submits that the terms should not be imbued with a definition resulting from a strained analysis of the specification, such as put forth in the Final Office Action by calling a timestamp and an image count one and the same even though, as pointed out above, they simply cannot be the same (*e.g.*, when different image sensing devices operate at different numbers of frames per second).

Second, the Applicant's specification clearly enables a comparison of a timestamp and image count when they are not in the same format. For example, the Applicant's specification discloses that a link can link the data annotations to corresponding image segments of the stored images.[2] A skilled artisan would know that such a link can link data of both the same format and different formats. Moreover, the Applicant's specification does not limit the comparison of a timestamp and an image count to a direct comparison of the two entities. Rather, other comparisons are also possible such as a simple determination of at what timestamp does the video data reach a certain image count, and/or at what timestamp is the video data at the 50% mark (which can easily be determined from a current image count and a total image count). Therefore, the Examiner's interpretation of a comparison is simply too narrow, it is not

[2] *Id.*, page 3, lines 12-14.

supported by the Applicant's specification, and the Applicant's specification clearly enables a comparison of a timestamp and an image count that are not in the same format.

§103 Rejection of the Claims

Claims 5-8, 23, 24, 32-34, 36 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiore et al. (WO 02/082275 A1) as applied to claims 1-4, 10, 13-22 and 25-31 above, and further in view of Arazi et al. (US 6,330,025 B1).

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiore et al. (WO 02/082275 A1) as applied to claims 1-4, 10, 13-22 and 25-31 above, and further in view of Brown et al. (WO 01/13637 A1).

Claims 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiore et al. (WO 02/082275 A1) in view of Brown et al. (WO 01/13637 A1) and further in view of Arzai et al. (US 6,330,025 B1).

The Applicant respectfully submits that it has demonstrated above that the claims are allowable over the cited art. The Applicant further respectfully submits that the claims rejected under 35 U.S.C. § 103, which are dependent on claims believed to be allowable, are likewise allowable.

For at least the above-identified reasons, the Applicant believes that the claims are allowable, and respectfully requests that the Examiner reconsider her rejections in light of the Applicant's above arguments.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are

relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date September 26, 2007 By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of September 2007.

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Name

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Signature